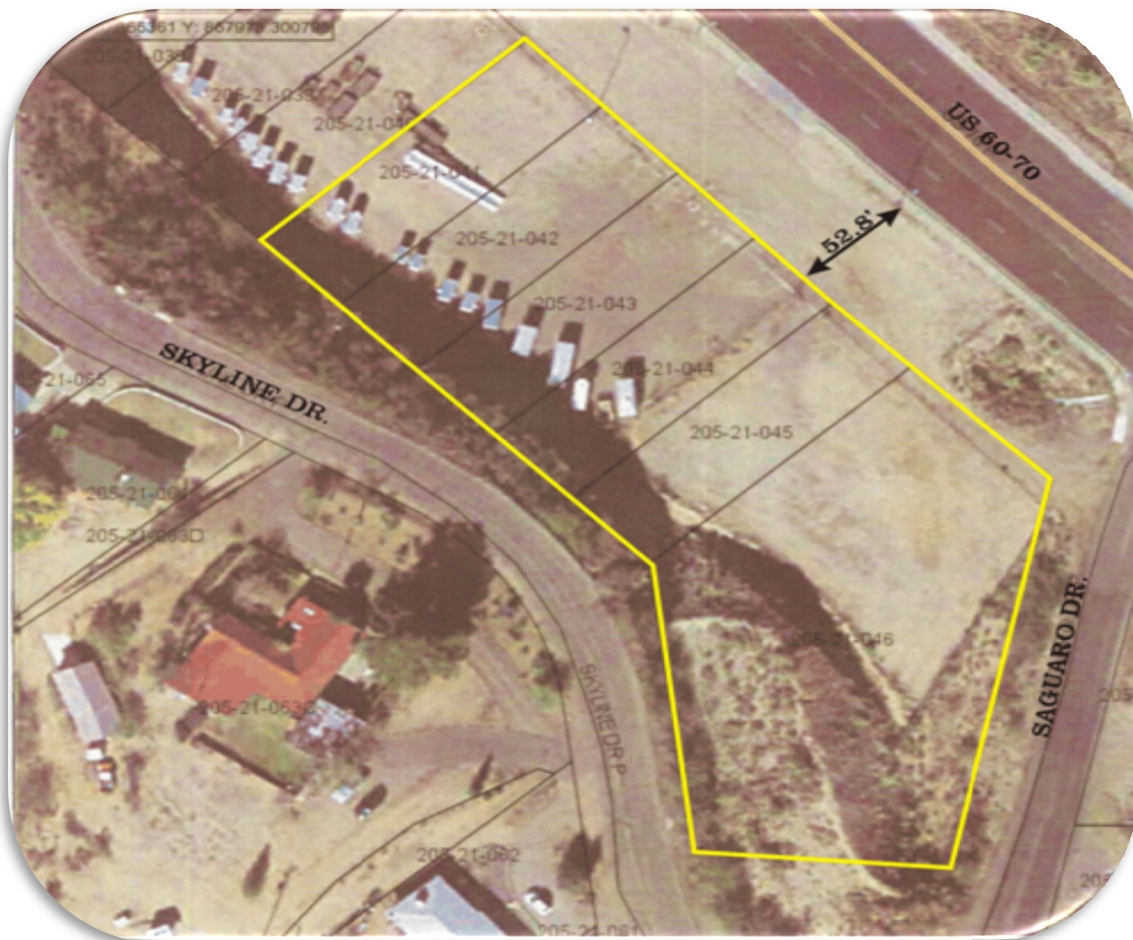




# Staff Report To the Board of Supervisors



Conditional Use Permit Application  
CUP-12-02

Meeting Date-August 7, 2012

## I APPLICATION

|  |  |
|--|--|
| Applicant Name                         | Stephanie Marr   |
| Applicant Address                      | 4750 Gold Strike Road  |
| Site Address                           | 1980 East Ash, Globe, AZ   |
| APN Number                             | 205-21-041 thru 046  |
| Current Zoning                         | Parcels 41 thru 46 are zoned C2 and Parcel 46 is zoned C1  |
| Current Comprehensive Plan Designation | Community Commercial:<br><br>The Community Commercial category denotes the areas of the county where facilities that provide community and regional scale commercial services are preferred. Community Commercial development typically includes a grocery store and may contain numerous other support commercial services. Community Commercial facilities are typically located at the intersections of major roadways that carry regional and community-wide traffic. Community Commercial facilities shall be designed to be compatible with adjacent residential and nonresidential development and shall provide a common architectural theme for the center. |
| Application Number                     | CUP-12-02  |

## II Purpose & Description

The applicant proposes to operate the Swap Meet on Fridays and Saturdays from the hours of 8:00 AM to 5:00 PM year round. The parcels being proposed for the Swap Meet include five parcels with a total of 1.7 acres. The area is a flat level area with no significant vegetation. The area has historically been used by the current owner for the display of trailers for sale.

## III Zoning Regulations

Our current zoning regulations do not list Swap Meets or Flea Markets as permissible uses within any commercial district. In fact it is completely silent on this type of use. Due to this I have requested the applicant to obtain a Condition Use Permit to establish this use based on the following section from our current zoning regulations.

### A. GENERAL:

As defined in Section 102, Conditional Uses are those uses which, although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. Conditional Use Permits shall be issued setting forth all qualifying conditions subject to the procedures for rezoning found in Section 105 Amendment Procedures.

Under the C2 zoning district in the zoning ordinance there is a section for uses being established with a use permit. A use permit is an administrative tool allowing the Director to decide the appropriateness of the proposed use in the district. In this section it list indoor and outdoor sales or rental of various items. Staff opinion is that this list is too general to apply to a swap meet and therefore have chosen to utilize the Conditional Use Permit process. The following was extracted from our current Zoning Ordinance.

**Uses Subject to Use Permits:**

- a. Indoor or outdoor sales or rental of new and used autos, trucks, boats, mobile homes, trailers, agricultural implements, lumber, lawn furniture, nursery stock and home gardening supplies and equipment; provided that no sales, rentals or displays are performed in the required front setback.

Another issue regarding zoning is related to a request by the property owner to recognize this use as a continuing nonconforming use as the property has historically been utilized for outdoor sales and display of trailers. After considering this request it is staff opinion that this use is very different from the use of selling trailers and would not constitute a continuation of a similar use and grandfathering rights should not apply to the establishment of a Swap Meet.

IV Primary issue or issues to consider

Parking:

There is an area fifty-two feet wide between the chain linked fence and the actual State Highway 60/70 pavement section. Just about all this area belongs to ADOT right of way. It is unpaved. This would be ample room for one row of parking with room to provide forward movement of the vehicle to both ingress and egress the property. There would be no need to back out onto the State Highway. There are two curb cuts along State Highway 60/70 that provide ingress and egress to the parking area.



Parking Area

#### Design Review Regulations:

This project is within the area designated for the Design Review Guidelines. While no structures are proposed the area of the Guidelines designated for site planning would apply. The applicable guidelines are listed in Attachment "A" of this report

#### Waste Disposal:

The applicant proposes to provide two Port-a-potties on the site.



Port-a-Potty

#### Solid Waste Disposal:

There is no proposal for dealing with solid waste. The property owner has included in the rules that all vendors pack out their waste materials. This does not work well for the customers on the site therefore some arrangements will need to be required for waste containers and maintenance of these containers.

#### Adjoining Properties:

1. North: Hwy 60 and Circle K and UPS business (Within City of Globe)
2. South: Skyline Drive and single family residential development  
Zoning designation R1-D8 (Within the City of Globe)
3. East: Undeveloped and Church Property within the City of Globe
4. West: C2 zoned property (Trailer Sales & Pawn Shop) within unincorporated area of the Gila County



### Buffering:

There is a significant cliff face to south that rises approximately 35 feet with Skyline Drive on the other side and residential development across the street. There is no buffering provided other than the cliff face. The fencing is chain linked with barbed wire across the top. There is a requirement that the use provide an opaque fence in our current zoning regulations



Current Fencing

### Landscaping:

No landscaping is proposed

### Signage:

No signage plan is submitted. Below is the current signage on the property.



Current Signage

## V Background

The SWAP Meet has historically operated on Highway 60/70 to the west of this location within the City of Globe. Due to a Hotel being proposed for that site the SWAP Meet was required to relocate to another site. Parcels 205-21-041 thru 046 have been used for outdoor sales of Manufactured homes and Trailers for approximately 20 years according to the applicant.

## VI Analysis

Swap meets are an important part of our economy. They provide a means of income for low income families and usually do not have significant impacts on community commercial. It is very important that vendors at a swap meet follow all tax laws that are applicable to them.

This area is an island within the City of Globe. A copy of this report will be sent to the City for their input.

This Swap Meet is proposed to operate Friday thru Sunday for each weekend throughout the year. The unpaved parking could create dust conditions for neighboring properties. All of the parking is within ADOT rights-of-way. The applicant has been told to request approval from them to utilize this area for their business.

This area is also under the jurisdiction of the Design Review Guidelines. While there are no permanent structures there are guidelines for the site that will apply to this project. A list of those guidelines is attached to this report in Attachment "A". I'm not sure it is feasible to address those guidelines and still have a swap meet at this location.

There are two port-a-potties on site for use by the vendors and customers. With no permanent structures being utilized on the site the port-a-potties should be adequate

The fencing does not meet the regulations requiring an opaque fence and I also believe it will be an issue with the Design Review Board. Landscaping and signage should also be addressed by the Design Review Board.

Buffering could be an issue. The high embankment between this project and the residential area is more than sufficient for visual buffering, but we also need to be careful about lighting and noise issues. All lighting on this site should be shielded in accordance with our dark sky ordinance. Limiting activities to day time hours should mitigate noise problems as well as lighting.

## VII Summary

Efforts need to be made to ensure this proposed use is compatible with nearby residential property and that it fits within the overall plan for development of properties along the Highway 60/70 corridor. The intent in developing the Design Review Guidelines was to ensure that development along this corridor enhanced the overall character of our main commercial activity center.

## VIII Recommendation

The Planning and Zoning Commission held a public hearing on July 19<sup>th</sup>, 2012 and unanimously recommended approval to the Board of Supervisors.

Staff has included two recommendations in this section one to approve and one to not approve this activity.

Motion to approve:

I move to approve the proposal to establish a Swap Meet with the following conditions:

1. That the applicant must submit for approval of site planning guidelines to the Design Review Board.
2. That all lighting on this site must be shielded
3. That the applicant shall provide to the County approval of use of parking area from ADOT.
4. The applicant shall provide trash receptacles on site for use by both vendors and customers and maintain those receptacles.
5. The applicant shall ensure that all vendors are properly registered with ADOR.

I move to deny the CUP 12 02 application due to the fact that it is not compatible with the intent and purpose of our Design Review Program to help beautify the Highway 60/70 Corridor.

## IX Attachments

|                |                                     |
|----------------|-------------------------------------|
| Attachment "A" | Applicable Design Review Guidelines |
| Attachment "B" | Area Map                            |

Attachment "A"  
Applicable Design Review Guidelines

1. Pedestrian and Vehicular Circulation

- a. Circulation patterns should be obvious and simple. All likely pedestrian routes should be considered in the design phase to eliminate "short cuts" that damage landscaped areas.
- b. Circulation systems should limit conflicts between vehicular, bicycle and pedestrian Traffic.
- c. Where pedestrian routes cross vehicular traffic paths; a change in grade; materials; textures and/or colors should be provided.
- d. Pedestrian routes/paths should be provided to the front entrance of a building from the public right of way.
- e. Bicycle parking facilities may be substituted for automobile parking spaces required at a ratio of five (5) bicycle spaces for one required vehicle parking space. A maximum of 5% of the total required parking spaces may be reduced from the total number of parking spaces required under the established Parking spaces related requirements in the government agency's standards. Bicycle parking facilities should include provisions for locking of the bicycle in a secure rack.

2. Parking Facilities

Parking should not be positioned between the public sidewalk and the front of the building, where feasible. Parking at the side of the property must be landscaped and screened

3. Driveways

- a. Shared or common driveways are encouraged.
- b. There should be a maximum of one driveway per lot or parcel except where the lot has more than one hundred (100) feet of frontage on the Highway Corridor. Driveways should be separated by a minimum of 100 feet. Approval of the Arizona Department of Transportation must be obtained in each case. The State's jurisdiction and decision shall always prevail if different than the recommendation of the Design Review Committee.

4. Signage

- a. No roof sign should be permitted except where significant negative grade change exists from the roadway to the building site.
- b. Portable freestanding signs must not exceed three (3) feet in height, six (6) square feet



- c. On each face, and must not obstruct pedestrian ways or cause line of sight problems. Permanent freestanding signs should not exceed thirty-two (32) square feet on each face and must be low profile.
- d. Marquee signs must not be installed in such a manner that the illumination from the sign causes distraction or hindrance to vehicles on the corridor nor occupants of nearby properties.
- e. Colors should be used from the approved color board.
- f. Signs must be properly maintained.
- g. Signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting.
- h. Signs should not be in visual competition with each other.
- i. In the event that these signage guidelines are found to be in conflict with the adopted sign code provisions of the government agency with jurisdiction, the established governmental sign code requirements shall have precedence.

## 5. Lighting

- a. Colored lighting is allowed but should not:
  - i. spill over onto adjacent properties,
  - ii. be the primary lighting theme,
  - iii. contain moving or streaming lights or components
- b. Lighting fixtures should be historically appropriate to the area, close in appearance to other installed historic lighting within the government jurisdiction.

## 6. Utility Equipment

- a. Mechanical systems equipment should be screened and sound attenuated, using approved building materials and positioned to maintain minimum intrusion on the public view.
- b. Utility areas and equipment, such as trash receptacles, storage areas, service yards, loading/unloading areas should be screened from public view with approved building materials.
- c. Permanently installed utility standards and communication equipment should blend into the surrounding environment. The use of earth colors and/or the installation of faux foliage, and/or the installation of equipment constructed to replicate a living plant, such as a palm tree, cactus, or other tree as appropriate to blend the equipment into the environment should be considered

## 7. Landscaping

- a. Landscaping should soften the visual appearance of the site, and provide a pedestrian friendly environment.
- b. Any planting within the rights of way should not create a line of sight nuisance, or be a nuisance to pedestrian and vehicular traffic in any way.
- c. All undeveloped areas, within public view, should be landscaped or left with undisturbed natural vegetation

- i. Deciduous or evergreen shrubs and trees can be used.
- ii. Planter boxes are encouraged for flowers.

8. Hardscape

- a. Colors, textures and materials selected for walkways, patios, and other ground plane enhancements must support the architectural character of the area.
- b. Materials should not impede accessibility to those who are physically challenged
- c. The texture and color of hardscape should clearly differentiate between driveways, parking facilities, and those areas used by bicyclists or pedestrians.
- d. Stone, brick, colored concrete, pavers, covered boardwalks, and concrete finishes are acceptable.
- e. Natural materials should be used to the maximum extent; Synthetic materials may be considered.

9. Fences and Walls

When adding fences and walls, the building materials should comply with the approved building materials in this guideline

10. Overhead Protection Structures

- a. Overhead protection structures should be installed on the façade of the ground floor above any installed or planned pedestrian pathways.
- b. A minimum of seven (7) foot vertical clearance is required for overhead structures above potential pedestrian pathways.